

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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**JEFFREY MORRIS, TARAS KICK,
REBECCA SALAWDEH and
STACEY ANTALAK, On Behalf of Themselves
and All Other Persons Similarly Situated,**

Plaintiffs,

-against-

**CBS BROADCASTING, INC., CBS
CONSUMER PRODUCTS, PLANET TOYS,
INC., TOYS "R" US, INC.,
WALGREEN CO. and HAMMACHER
SCHLEMMER & CO., INC.,**

Defendants.
----- X

08-CV-0592 (HB)

NOTICE OF RELATED CASES

Notice is hereby given that the following cases that were filed in California are related to the instant case:

1.
 - a. Asbestos Disease Awareness Organization, et al. v. CBS Corporation, et al.
 - b. Case Number BC388918
 - c. Superior Court of California, County of Los Angeles
 - d. Department 32, Judge Strobel
 - e. Toxic enforcement regulatory claim under California Proposition 65
 - f. Filed 04/11/08
 - g. This matter is currently pending
2.
 - a. Kick, et al. v. Planet Toys, Inc., CBS Broadcasting, Inc., et al.
 - b. Case Number CV08-02405
 - c. U.S. District Court, Central District of California
 - d. Judge Otero
 - e. Nationwide class action
 - f. Filed 04/11/08

g. This matter has been dismissed without prejudice

The above cases are related to the instant case in that they all involve the same parties and are based on the same or similar claims. They also arise from the same or substantially identical transactions, incidents, and events requiring the determination of substantially identical questions of law and fact. As explained in attachment 1h to the Notice of Related Case filed in the Superior Court of California, County of Los Angeles (attached hereto as Exhibit A), and reiterated below, these intrinsic similarities mean that the above cases are likely to require substantial duplication of judicial resources if not coordinated with the instant case.

Plaintiffs' counsel in the California state case also filed the California federal case listed in this notice. They have since dismissed the California federal case without prejudice, and the Coughlin Stoia firm joined the instant case to pursue the claims they had brought in the California federal case. The same attorneys and Plaintiffs that were pursuing the California federal case (along with the attorneys continuing to pursue the California state case) are now involved in this New York federal nationwide (putative) class action. Moreover, both the pending California state case and the instant case also name Planet Toys, Inc., CBS Broadcasting, Inc., Walgreen Co. and Toys R Us as defendants. Significantly, all of these cases are based on the same common set of facts: **the allegation that Planet Toys Inc.'s CSI Investigation™ Kits contain asbestos**. Notably, there is no claim of injury; rather, all plaintiffs seek injunctive relief and restitution.

All of these cases qualify as complex because they involve numerous parties, involve the same defendants, and the cases are either alleged as a federal nationwide class action or as a representative Proposition 65 action on behalf of the People of the State of California. In addition, there will be substantial duplication of effort between the California state case and the instant case, because all of the discovery will focus on the same issues, including the existence of or exposure to asbestos in the products, expert analysis and proper scientific protocol, the defendants' knowledge, if any, the defendants' prior testing and action once apprised of the allegation, issues of standing as to the plaintiffs and representatives, and because the cases involve the same witnesses and experts.

Dated: July 14/2008

ROGERS JOSEPH O'DONNELL

By: 

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CBS BROADCASTING, INC., CBS
CONSUMER PRODUCTS (dismissed)
PLANET TOYS, INC., TOYS "R" US, INC.,
WALGREEN CO. and HAMMACHER
SCHLEMMER & CO., INC.,

EXHIBIT A

CM-015

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): RENEE D. WASSERMAN (State Bar No. 108118) JAMES ROBERT MAXWELL (State Bar No. 143203) ROGERS JOSEPH O'DONNELL 311 California St., 10th Flr. San Francisco, CA 94104 TELEPHONE NO.: 415.956.2828 FAX NO. (Optional): 415.956.6457 E-MAIL ADDRESS (Optional): rwasserma@rjo.com ATTORNEY FOR (Name):		FOR COURT USE ONLY CONFIRMED COPY OF ORIGINAL FILED Los Angeles Superior Court JUN 27 2008 John A. Clarke, Executive Officer/Clerk By <u>[Signature]</u> Deputy CASE NUMBER: BC388918 JUDICIAL OFFICER: Mary Strobel DEPT.: 32
SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES STREET ADDRESS: 111 N. Hill Street MAILING ADDRESS: CITY AND ZIP CODE: Los Angeles, CA 90012-3014 BRANCH NAME:		
PLAINTIFF/PETITIONER: ASBESTOS DISEASE AWARENESS ORGANIZATION, et al. DEFENDANT/RESPONDENT: CBS CORPORATION, et al.		
NOTICE OF RELATED CASE		

Identify, in chronological order according to date of filing, all cases related to the case referenced above.

1. a. Title: Morris, et al. v. Planet Toys, Inc., CBS Broadcasting, Inc., et al.
 b. Case number: 08-CV0592
 c. Court: ☐ same as above
☒ other state or federal court (name and address): U.S. District Court, Southern District, New York
 d. Department: Judge Baer
 e. Case type: ☐ limited civil ☒ unlimited civil ☐ probate ☐ family law ☒ other (specify): Nationwide class action
 f. Filing date: 01/23/08
 g. Has this case been designated or determined as "complex?" ☐ Yes ☐ No see attachment 1h
 h. Relationship of this case to the case referenced above (check all that apply):
☒ involves the same parties and is based on the same or similar claims.
☒ arises from the same or substantially identical transactions, incidents, or events requiring the determination of the same or substantially identical questions of law or fact.
☐ involves claims against, title to, possession of, or damages to the same property.
☒ is likely for other reasons to require substantial duplication of judicial resources if heard by different judges.
☒ Additional explanation is attached in attachment 1h
 i. Status of case:
☒ pending
☐ dismissed ☐ with ☐ without prejudice
☐ disposed of by judgment

2. a. Title: Kick, et al. v. Planet Toys, Inc.; CBS Broadcasting, Inc., et al.
 b. Case number: CV08-02405
 c. Court: ☐ same as above
☒ other state or federal court (name and address): U.S. District Court, Central District California
 d. Department: Judge Otero

PLAINTIFF/PETITIONER: ASBESTOS DISEASE AWARENESS ORGANIZATION, et al. DEFENDANT/RESPONDENT: CBS CORPORATION, et al.	CASE NUMBER: BC388918
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2. (continued)

e. Case type: ☐ limited civil ☒ unlimited civil ☐ probate ☐ family law ☒ other (specify): Nation-wide class action

f. Filing date: 04/11/08

g. Has this case been designated or determined as "complex?" ☐ Yes ☐ No See attachment 1h

h. Relationship of this case to the case referenced above (check all that apply):

- ☒ involves the same parties and is based on the same or similar claims.
☒ arises from the same or substantially identical transactions, incidents, or events requiring the determination of the same or substantially identical questions of law or fact.
☐ involves claims against, title to, possession of, or damages to the same property.
☒ is likely for other reasons to require substantial duplication of judicial resources if heard by different judges.
☒ Additional explanation is attached in attachment 2h 1h

i. Status of case:

- ☐ pending
☒ dismissed ☐ with ☒ without prejudice
☐ disposed of by judgment

3. a. Title:

b. Case number:

c. Court: ☐ same as above
☐ other state or federal court (name and address):

d. Department:

e. Case type: ☐ limited civil ☐ unlimited civil ☐ probate ☐ family law ☐ other (specify):

f. Filing date:

g. Has this case been designated or determined as "complex?" ☐ Yes ☐ No

h. Relationship of this case to the case referenced above (check all that apply):

- ☐ involves the same parties and is based on the same or similar claims.
☐ arises from the same or substantially identical transactions, incidents, or events requiring the determination of the same or substantially identical questions of law or fact.
☐ involves claims against, title to, possession of, or damages to the same property.
☐ is likely for other reasons to require substantial duplication of judicial resources if heard by different judges.
☐ Additional explanation is attached in attachment 3h

i. Status of case:

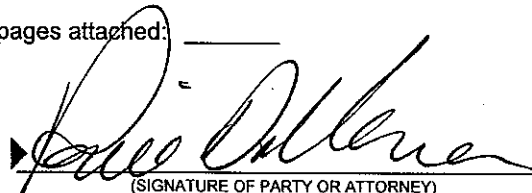
- ☐ pending
☐ dismissed ☐ with ☐ without prejudice
☐ disposed of by judgment

4. ☐ Additional related cases are described in Attachment 4. Number of pages attached: _____

Date: June 27, 2008

RENEE D. WASSERMAN

(TYPE OR PRINT NAME OF PARTY OR ATTORNEY)


 (SIGNATURE OF PARTY OR ATTORNEY)

SHORT TITLE: ADAO v. CBS CORPORATION, et al.

CASE NUMBER:

BC388918

ATTACHMENT (Number): 1hPage 1 of 1

(This Attachment may be used with any Judicial Council form.)

(Add pages as required)

Plaintiffs' counsel in this case also filed the California federal case listed in this notice. They have since dismissed the California case without prejudice, and joined the New York case listed in this notice. All of these cases are based on the same common set of facts: the allegation that Planet Toys Inc.'s CSI Investigation™ Kits contain asbestos. Both the pending class action and the instant case also name Planet Toys, Inc., CBS Broadcasting, Inc., Walgreen Co. and Toys R Us as defendants.

These cases qualify as complex because they involve numerous parties, involve the same defendants, and the cases are either alleged as a federal nationwide class action or as representative Prop 65 action on behalf of the People of the State of California. In addition, there will be substantial duplication of effort between the class action case and the instant case, because all of the discovery will focus on the same issues, including the existence of or exposure to asbestos in the products, expert analysis and proper scientific protocol, the defendants' knowledge, if any, the defendants' prior testing and action once learned of the allegation, issues of standing as to the plaintiffs and representatives, and because the case involves the same witnesses and experts.

(If the item that this Attachment concerns is made under penalty of perjury, all statements in this Attachment are made under penalty of perjury.)